



**PRESENT:**

Mr. Russell J. Gulley, Chairman  
Mr. F. Wayne Bass, Vice Chairman  
Mr. Sam R. Hassen  
Dr. William P. Brown  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ABSENT:**

Mr. Reuben J. Waller, Jr.

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Section, Planning Department  
Mr. Robert V. Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review Section, Planning Department  
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Section, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Section, Planning Department  
Mr. Steven F. Haasch, Principal Planner, Advance Planning and  
Research Section, Planning Department  
Mr. Zachary Mayo, Planning Data and Geographic Analyst,  
Advance Planning and Research Section, Planning Department

Ms. Linda N. Lewis, Clerk to the Planning Commission,  
Administration Section, Planning Department  
Ms. Lisa Caudill, Secretary, Administration Section,  
Planning Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Director,  
Budget and Management Department  
Ms. Carol Judkins, Budget Analyst,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Steven E. Simonson, Senior Engineer,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Mr. Thomas E. Jacobson, Director,  
Department of Revitalization  
Mr. Michael S. Golden, Director,  
Parks and Recreation Department  
Mr. Michael Mabe, Director, Library Services  
Mr. Robert C. "Rob" Key, Director,  
General Services Department  
Mr. Charles Dane, Airport Manager,  
General Services Department  
Chief Paul W. Mauger, Chief, Administration,  
Fire Department  
Chief Stuart Dalton, Battalion Chief, Fire and  
Emergency Services, Fire Department  
Lieutenant Frank X. Nause III,  
Fire Marshal #4, Fire Department  
Colonel Thierry Dupuis, Chief of Police,  
Police Department  
Ms. Cynthia O. Richardson, Director of Planning,  
School Administration  
Dr. Mike Etienne, Communications Specialist,  
Planning Department, School Administration

## ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Brown and staff assembled at 2:00 p. m. in the Multipurpose Meeting Room (1<sup>st</sup> Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for a Work Session to discuss the following:

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. Work Program – Review and Update. 📄
- V. Planning Topics – Comprehensive Plan. 📄
- VI. Approval of Planning Commission Minutes:
  - November 20, 2007 Joint Planning Commission and Preservation Committee Meeting Minutes. 📄
  - November 20, 2007, Planning Commission Regularly Scheduled Meeting Minutes. 📄
  - December 18, 2007, Planning Commission and Preservation Committee Meeting Minutes. 📄
  - December 18, 2007, Planning Commission Regularly Scheduled Meeting Minutes. 📄
  - January 15, 2008, Planning Commission Regularly Scheduled Meeting Minutes. 📄
  - January 29, 2008, Special Planning Commission Meeting. 📄
- VII. Proposed *Public Facilities Plan* Amendment. 📄
- VIII. Recess.

### I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Item VII., Proposed *Public Facilities Plan* as Item II.; to add new Item VII., Amendment to the *Upper Swift Creek Plan* Amendment; to add a new Item VIII., Proposed Planning Department Fee Adjustments; reordered Item VIII., Recess as new Item IX.; and reordered the remaining agenda accordingly.

AYES: Messrs. Gulley, Bass and Brown.  
ABSENT: Messrs. Hassen and Waller.

### II. PROPOSED PUBLIC FACILITIES PLAN AMENDMENT.

Mr. Hassen arrived at 2:10 p. m.

Mr. Haasch stated staff was present to address/provide additional information relative to questions raised during a review of the *Public Facilities Plan* at the January 29, 2008, Planning Commission meeting,

There was discussion relative to each question outlined and responses by the appropriate departmental staff, with additional, specific information being requested by the Commission to be provided prior to, and to be discussed at, the regularly scheduled March 18, 2008, meeting.

### **III. REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of March, April and May 2008.

Mr. Turner noted there were two (2) requests scheduled for consideration at the March 18, 2008, Planning Commission meeting 3:00 p. m. Session; therefore, the start time for the Work Session on March 18, 2008, Planning Commission meeting would be 12:00 p. m.

### **IV. REVIEW DAY'S AGENDA.**

Mr. Tompkins stated there were no 3:00 p. m. requests scheduled for today's meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30p. m. Public Meeting and Hearing.

Mr. Turner presented an overview of, and staff's recommendations for, a proposed Code Amendment related to unmanned motor vehicle fueling facilities in the I-1 zoning district, to be considered at the 7:00p.m. Public Meeting and Hearing.

### **V. WORK SESSION.**

Mr. Larson noted the Commission's Work Program, as presented, reflected revisions per the Commission's direction at the January 15, 2008, meeting.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the March 2008 Work Program, as presented.

### **VI. PLANNING TOPICS – COMPREHENSIVE PLAN.**

Mr. Larson presented an overview of, and outlined proposed methodology, for a new approach to comprehensive planning for the County, noting the steps outlined would be beneficial in efforts towards development of a new Countywide Comprehensive Plan.

### **VI. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated the next order of business was consideration of the November 20, 2007, Joint Planning Commission and Preservation Committee Meeting minutes; the December 18, 2007, Joint Planning Commission and Preservation Committee Meeting minutes; the December 18, 2007, Planning Commission Regularly Scheduled Meeting minutes; the January 15, 2008, Planning Commission Regularly Scheduled Meeting minutes; and the January 29, 2008, Special Planning Commission Meeting minutes. He noted the

November 20, 2007, Planning Commission Regularly Scheduled Meeting minutes were incomplete at this time.

- NOVEMBER 20, 2007 JOINT PLANNING COMMISSION AND PRESERVATION COMMITTEE MEETING MINUTES.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the November 20, 2007, Joint Planning Commission and Preservation Committee Meeting minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

- NOVEMBER 20, 2007, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer the November 20, 2007, Planning Commission Regularly Scheduled Meeting minutes to the March 18, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

- DECEMBER 18, 2007, PLANNING COMMISSION AND PRESERVATION COMMITTEE MEETING MINUTES.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the December 18, 2007, Joint Planning Commission and Preservation Committee Meeting minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

- DECEMBER 18, 2007, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the December 18, 2007, Planning Commission Regularly Scheduled Meeting minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

- JANUARY 15, 2008, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve the January 15, 2008, Planning Commission Regularly Scheduled Meeting minutes; as written.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

- **JANUARY 29, 2008, SPECIAL PLANNING COMMISSION MEETING.**

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to approve the January 29, 2008, Special Planning Commission Meeting minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**VIII. AMENDMENT TO THE *UPPER SWIFT CREEK PLAN* AMENDMENT.**

Mr. Bowling stated the Commission, at their January 15, 2005, meeting, forwarded a recommendation to the Board of Supervisors for approval of an amendment to the *Upper Swift Creek Plan* Amendment relative to levels of service for transportation and schools; however, the Board of Supervisors, at their February 13, 2008, Work Session, took no action on the recommendation, expressing a desire to have any level of service recommendations brought forward to include water quality, land use and economic development. He stated the Board has directed the Commission to revisit the *Upper Swift Creek Plan* Amendment and to bring forward, for review and consideration, amendments to the *Plan* Amendment to include water quality, levels of service (roads, schools and public safety), land use and economic development for the purpose of direction to the Planning Commission and the Board of Supervisors for any zoning proposals to be considered prior to the adoption of a new Countywide Comprehensive Plan. Mr. Bowling also referenced a letter from the County Administrator to the Commission indicating that, per state code, the Commission had to hold a public hearing on the *Upper Swift Creek Plan* Amendment in response to the Board's direction no later than March 30, 2008.

Several members of the Commission expressed concern about this short time frame, stating that the importance and complexity of the Board's directive would require more time to address properly. Mr. Turner informed the Commission that he had talked to a number of Board members, and they were not aware at the time of their directive that the Commission would have to hold a public hearing on it by March 28. He stated that these members would be comfortable with the Commission holding the March 28<sup>th</sup> public hearing as required, but also initiating their own separate plan amendment process that incorporated all the items put forward in the Board's directive, but allowed the Commission more time to address all issues.

Upon conclusion of discussion, it was on motion of Mr. Bass, seconded by Dr. Brown, that the Commission set the date of, and requested staff take the necessary action to advertise, March 18, 2008, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider the Board of Supervisors initiated amendments to the *Upper Swift Creek Plan* Amendment related to water quality, levels of service (roads, schools and public safety), land use and economic development for the purpose of direction to the Planning Commission and the Board of Supervisors for any zoning proposals to be considered prior to the adoption of a new Countywide Comprehensive Plan.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission initiated a separate amendment to the *Upper Swift Creek Plan* Amendment related to water quality, levels of service (roads, schools and public safety), land use and economic development for the purpose of direction to the Planning Commission and the Board of Supervisors for any zoning proposals to be considered prior to the adoption of a new Countywide Comprehensive Plan and set the date of, and requested staff take the necessary action to advertise, March 18, 2008, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

There was discussion that the Commission did not need to set a public hearing for March 18, 2008, to consider its initiative to amend the *Upper Swift Creek Plan* Amendment but rather to revisit the matter based on the parameters set forth by the Board of Supervisors at their January 9, 2008, meeting and to bring forward a recommendation at a future date.

Mr. Bass amended his motion and Dr. Brown amended his second that the Commission initiate an amendment to the *Upper Swift Creek Plan* Amendment related to water quality, levels of service (roads, schools and public safety), land use and economic development for the purpose of direction to the Planning Commission and the Board of Supervisors for any zoning proposals to be considered prior to the adoption of a new Countywide Comprehensive Plan.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

#### **IX. PROPOSED PLANNING DEPARTMENT FEE ADJUSTMENTS.**

Mr. Turner presented an overview of proposed Planning Department fee adjustments related to zoning and site plan applications, noting the adjustments were necessary to recoup costs related to processing and staff time.

Mr. Gulley stated there was not a sense of support from the Commission for the increases and asked that staff revisit the proposal and bring forward a recommendation with a lower percentage rate increase.

Mr. Turner stated staff had been directed by County Administration to bring forward the proposal, as presented.

There was discussion relative to the direction given to staff relative to the percentages outlined in the proposal; on what basis the percentages were calculated and the needs for which the fees were anticipated; the current fee ranges for zoning and site plan applications; comparative fees from adjacent jurisdictions; etc.

Dr. Brown stated he was willing to work with staff to bring back alternatives for consideration at the March 18, 2008, Work Session.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission directed staff to prepare a letter for Mr. Gulley's signature to the Board of Supervisors requesting clarification/details relative to the cost recovery ratios.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**X. RECESS.**

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Hassen, that the Commission adjourned the Work Session at 4:25 p. m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:00 p. m. for dinner.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

**6:30 P. M. PUBLIC MEETING AND HEARING**

Mr. Gulley, Chairman, called the meeting to order at 6:30 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

**I. DISTRIBUTION OF "REQUEST ANALYSES AND RECOMMENDATIONS."**

**II. INVOCATION.**

Mr. Sam Hassen presented the invocation.

**III. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Andy Scherzer led the Pledge of Allegiance to the Flag.

**IV. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were fifteen (15) cases scheduled on the March 18, 2008, agenda; ten (10) cases scheduled on the April 15, 2008, agenda; and no cases scheduled on the May 20, 2008, Planning Commission meeting agenda.

**V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Case 08SN0184, Pegasus Tower Company, LTD, from Item IX., Deferral Request by Applicant to new Item XII.,



Requests Where The Applicant Does Not Accept The Recommendation and/or There Is Public Opposition Present; and reordered the remainder of the agenda accordingly.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**VI. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and code amendments.

**VII. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

Ms. Andrea Epps, a County resident, referenced Comprehensive Plans from various jurisdictions, addressed issues related levels of service, and distributed information relative to transfer of developer rights.

**VIII. REQUEST FOR WITHDRAWAL.**

**08SN0148:** In Midlothian Magisterial District, **CALVARY GOSPEL CHURCH** withdrew Conditional Use and amendment of zoning district map to permit a child care facility and private school in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial/light industrial and residential use of 4 units per acre or less. This request lies on 3.1 acres known as 2200 Pickens Road. Tax ID 768-698-6153.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 08SN0148.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**IX. REQUESTS FOR DEFERRAL BY APPLICANTS.**

**06SN0156:** (Amended) In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY** requested deferral to May 20, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.5 acres fronting approximately 290 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-Part of 5744 and 769-662-7415.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 06SN0156 to the May 20, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0156 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**06SN0220:** In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral to June 17, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06SN0220 to the June 17, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to defer Case 07SN0333 to the June 17, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0333:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested deferral to March 18, 2008, for consideration of rezoning and amendment of zoning district map from Residential (R-7), Neighborhood Business (C-2), Community Business (C-3), Regional Business (C-4) and General Business (C-5) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 83 acres located in the southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also fronting on the north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668 and 8227; 764-706-3159-00001 and 00002 and 8861-00001 and 00002; 764-

707-6112-00001 and 00002; 765-704-2693; 765-705-4651, 5781, 7651 and 7962; 765-706-1010-00001 and 00002, 4170, 6964, 8068 and 8842; and 765-707-6600.

Mr. Tom Jacobson, agent for the Board of Supervisors, requested deferral of Case 07SN0333 to the March 18, 2008, Planning Commission public hearing.

Mr. Gulley opened the discussion for public comment regarding the deferral.

Mr. Jay Lafler, representing the Gateway Association, expressed concerns regarding the continued deferrals of the request; the detrimental impact that the deferrals could have on the County's relationship with the developers and the potential jeopardy in which the project would be placed; and urged the Commission to consider moving forward.

Mr. James Downs, Vice President of Crosland, expressed concerns regarding the continued deferrals of the request and indicated a willingness to work with Mr. Waller and other involved parties to resolve outstanding issues so the project could move forward.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Gulley acknowledged the concerns expressed regarding the deferrals but noted the process could not be rushed; stated that application process began under the previous Board of Supervisors and County Administration and had transitioned to the current Board and Administration, who were very close to completing their negotiations; stated he felt the proposal was currently in a better posture than previously; indicated he felt the parties involved were very close to a resolution and that, hopefully, the request could be moved forward at the March 18, 2008, Planning Commission meeting.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0333 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

**07SN0340:** In Matoaca Magisterial District, **FRANCIS BEERS** requested deferral to June 17, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 250.1 acres fronting in two (2) places for approximately 320 feet on the west line of Qualla Road and lying at the northern termini of Springhouse Drive and Belcherwood Road. Tax IDs 740-667-8769; 741-669-3736; 743-668-1461; and 744-668-7309.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0340 to the June 17, 2008, Planning Commission public hearing.

Mr. Gulley opened the discussion for public comment relative to the deferral.

A representative for Bayhill Pointe Subdivision residents did not oppose the deferral but noted area residents would like an opportunity to voice their concerns relative to the merits of the request and asked that there be no further deferrals.

There being no one else to speak, Mr. Gulley closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 07SN0340 to the June 17, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0372**: In Clover Hill Magisterial District, **EWN INVESTMENTS, INC.** requested deferral to April 15, 2008, for consideration of rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.0 acres fronting approximately 860 feet in the northwest quadrant of the intersection of Hull Street Road and Duckridge Boulevard. Tax ID 722-671-1285.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0372 to the April 15, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0372 to the April 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**08SN0127**: In Matoaca Magisterial District, **REBKEE CO.** requested deferral to May 20, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood shopping center uses. This request lies on 8.7 acres located in the southwest quadrant of the intersection of Beach and Winterpock Roads. Tax ID 721-655-5165.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 08SN0127 to the May 20, 2008, Planning Commission public hearing.

Mr. Gulley opened the discussion for public comment relative to the deferral.

Twenty-eight (28) area residents and/or adjacent property owners, opposed deferral of the request, citing concerns that the proposed use was unnecessary and irrelevant to the area; that they did not want the development in their community; and that deferral to allow further meetings and/or discussions would serve no purpose.

When asked, approximately 150 persons stood to indicate their opposition to deferral of the request.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Scherzer stated he was not aware of the substantial opposition to the request and offered to defer the request to the June 17, 2008, Planning Commission public hearing to allow sufficient time to arrange/conduct additional community meetings to address area residents' concerns.

Mr. Bass stated he appreciated the attendance of those present; explained the applicant's only responsibility was to notify adjacent property owners; and summarized a brief history of the request. He stated his responsibility, as a Commissioner, was to forward the request to the Board of Supervisors for action in the best posture possible and he was hopeful that deferral to the May 20<sup>th</sup> meeting would allow issues/concerns to be addressed/resolved.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 08SN0127 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

The Commission recessed at 7:30 p. m. and reconvened at 7:36 p. m.

**08SN0131:** In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested deferral to April 15, 2008, for consideration of Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 137.2 acres fronting approximately 1,600 feet on the north and south lines of John Winston Jones Parkway approximately 900 feet northeast of Woodpecker Road; also fronting in two (2) places for approximately 280 feet on the northeast line of Woodpecker Road approximately 600 feet southeast of John Winston Jones Parkway. Tax ID 783-626-4767.

Mr. Mike Golden, agent for the Board of Supervisors, requested deferral of Case 08SN0131 to the April 15, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer Case 08SN0131 to the April 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**X. REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**08SN0182:** In Matoaca Magisterial District **DOGWOOD PARTNERSHIP LLC** requested amendment to rezoning (Case 99SN0227) and amendment of zoning district map to permit Community Business (C-3) uses and to delete the conceptual plan. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Community Business (C-3) District on 3.9 acres fronting approximately 490 feet on the north line of Hull Street Road approximately 60 feet east of Cosby Road. Tax ID 717-671-5331.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 08SN0182 by Mr. Bass to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission, on their own motion, resolved to defer Case 08SN0182 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0292:** (Amended) In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested Conditional Use and amendment of zoning district map to permit residential multifamily use and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in Community Business (C-3) and General Business (C-5) Districts on 16.2 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway approximately 150 feet south of Velda Road. Tax IDs 794-665-8176 and 794-666-6515.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 07SN0292 by Mr. Hassen to the March 18, 2008, Planning Commission public hearing, noting that property owners and community members desired that the request be heard at the March 18<sup>th</sup> meeting.

There was no opposition to the deferral.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission on their own motion, resolved to defer Case 07SN0292 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0341:** In Bermuda Magisterial District, **ACQUISITIONS PLUS LLC** requested rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5-4 units per acre. This request lies on 16.9 acres fronting approximately 920 feet on the north and south lines of Gayland Avenue approximately 600 feet east of Jefferson Davis Highway. Tax IDs 792-678-1855, 2312, 2756, 3614, 3859, 4762, 5018, 5765, 6322, 6667, 7626, 7770, 8673 and 9532; and 793-678-0077.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 07SN0341 by Mr. Hassen to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 07SN0341 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0206:** (Amended) In Matoaca Magisterial District, **GBS HOLDING LTD** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Casey Sowers, the applicant's representative, accepted deferral of Case 07SN0206 by Mr. Bass to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 07SN0206 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

**07SN0223:** (Amended) In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 211 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,183.9 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Mr. Dave Anderson, the applicant's representative, accepted deferral of Case 07SN0223 by Mr. Bass to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 07SN0223 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

**XI. REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**08SN0173:** In Bermuda Magisterial District **DAVID CAMPBELL** requested rezoning and amendment of zoning district map from Community Business (C-3) to General Industrial (I-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 1.5 acres fronting approximately 280 feet on the north line of West Hundred Road, approximately 460 feet east of Ware Bottom Spring Road. Tax IDs 807-653-0838 and 2033.

Mr. James Atkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0173 and acceptance of the following proffered conditions:



### PROFFERED CONDITIONS

1. Uses shall be limited to a mini-storage facility and uses which may be accessory to mini-storage facilities. (P)
2. Within ninety (90) days of approval of this request, 100 feet of right-of-way measured from the centerline of West Hundred Road (Route 10) adjacent to the property, or the proposed right-of-way shown on the approved plans for VDOT Project 0010-020-127, C-501, RW-201 adjacent to the property, whichever is greater, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit located at the western property line. (T)
4. In conjunction with the initial development, the developer shall construct an additional lane of pavement along Route 10 for the entire property frontage and a separate right turn lane at the approved access, and dedicate any additional right of way (or easements) required for these improvements. (T)

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

**08SN0175:** In Midlothian Magisterial District **REDEEMER LUTHERAN CHURCH** requested Conditional Use and amendment of zoning district map to permit a child care facility and private school in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 acre or less. This request lies on 16.0 acres fronting approximately 450 feet on the east line of Old Hundred Road approximately 450 feet south of Brightwalton Road. Tax ID 716-699-Part of 2564.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 08SN0175 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Direct vehicular access from the property to Old Hundred Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

3. Prior to any site plan approval, or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, forty five (45) feet of right-of-way along the east side of Old Hundred Road, measured from the centerline of that part of Old Hundred Road that is immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
  - A. Construction of additional pavement along Old Hundred Road at the approved entrance/exit to provide a right and left turn lanes, if warranted, based on Transportation Department standards.
  - B. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvement described in this Proffered Condition, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
5. Except where the requirements of the underlying Agricultural District are more restrictive, any new development for school and child care uses shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Districts. (P)
6. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
  - a.) With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all active playfields, courts or similar active recreational facilities which would accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from any adjacent properties zoned for, or utilized for, residential purposes or zoned agricultural and shown on the plan as single family residential uses, except where adjacent to similar active recreational uses. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the standards for fifty (50) foot buffers in the Zoning Ordinance. If the facilities are setback more than 100 feet from the adjacent properties, the landscaping or other design features described above may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described here in.

- b.) Any playground areas (swings, jungle gyms, or similar such facilities) shall be set back a minimum of forty (40) feet from all properties zoned for, or utilized for, residential purposes or zoned agricultural and shown on the plan as single family residential uses, except where adjacent to similar playground areas.
- c.) The landscaping or other design features, including a reduction in the setback distance described in Proffered Condition 6.a.) or b.) may be modified by the Planning Commission at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that recreational activities have on the adjacent properties equivalent to the setback and landscaping requirements described in Proffered Condition 6.a) and b). (P)

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
 ABSENT: Mr. Waller.

**08PD0244:** In Midlothian Magisterial District **T-MOBILE** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.5 units per acre. This request lies on 3.0 acres fronting approximately 720 feet on the northeast line of Coalfield Road across from Gorham Lane. Tax ID 727-700-0239.

Mr. Chris Ramsey, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley read for the record a condition to be imposed on the request, which the applicant's representative accepted.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission found Case 08PD0244 for a proposed communications tower to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions and acceptance of the following proffered conditions:

#### CONDITION

Access to the site from Coalfield Road shall be provided within the Dominion Virginia Power Easement, provided removal of vegetation outside of the easement is not required by the Virginia Department of Transportation to achieve adequate sight distance. Otherwise access shall be provided along the southern portion of the property. (T&P)

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
 ABSENT: Mr. Waller.

**08PD0245:** In Bermuda Magisterial District **T-MOBILE** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88

zoning. This request lies on 0.3 acre fronting approximately 15 feet on the south line of Kelmarbi Road approximately 800 feet west of Branders Bridge Road. Tax ID 792-627-Part of 6471.

Mr. Chris Ramsey, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission found Case 08PD0245 for a proposed communications tower to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**08PD0255:** In Dale Magisterial District **T-MOBILE** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 0.1 acre fronting approximately 15 feet on the east line of O'Bisque Road approximately 840 feet south of Belmont Road. Tax ID 766-682-Part of 0727.

Mr. Chris Ramsey, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission found Case 08PD0255 for a proposed communications tower to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**07SN0323:** In Dale Magisterial District, **RICHMOND 20 MHZ LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 1.2 acres lying approximately 230 feet off the southeastern terminus of Cotfield Road, south of Pano Road. Tax ID 781-676-Part of 7315.

Mr. Clay presented an overview of the request and staff's recommendation for approval, noting the proposal conformed to the Public Facilities Plan and Tower Siting Policy and the mature vegetation, located within the area immediately surrounding the proposed tower site, as well as topographical differences in the area, would mitigate the visual impact of the tower from existing and future area residential development. He referenced an addendum which reflected proffered conditions submitted by the applicant on February 11 and 12, 2008, to address concerns expressed by area property owners.

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation and presented information relative to the wireless communication industry and benefits that approval of the request would provide for the area.

Mr. Gulley opened the discussion for public comment.

Three (3) area property owners voiced opposition to, and requested denial of, the request, citing concerns relative to the close proximity of the proposed tower to their property; the adverse visual impact of the tower itself and potential noise pollution from associated on-site equipment that would affect the quality of life in the neighborhood; excessive deferrals of the request; insufficient notification to area residents of last-minute revisions submitted; and the potential adverse impact to surrounding wetlands, perennial streams and buffers.

There being no one else to speak, Mr. Gulley closed the public comment.

In rebuttal, Mr. Keene addressed the concerns expressed and reiterated the benefits that approval of the request would provide for the area to accommodate in-home wireless service.

Dr. Brown stated he was cognizant of area residents concerns/opposition to the request and realized that communications towers were not attractive; however, he was also cognizant of the in-home wireless service needs in the area and felt a recommendation for approval of the request was appropriate.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0323, subject to the following conditions and acceptance of the following proffered conditions:

#### CONDITIONS

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. A minimum 100-foot area of mature trees shall be preserved outside of, and adjacent to, the compound, on the north and east sides of the compound. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)
3. The color, design and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure. (P)
4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

### PROFFERED CONDITIONS

We hereby proffer the conditions listed below if, and only if, the request for a conditional use (CU) is granted. In the event the request is denied or approved with conditions not agreed to by the applicant, the conditions listed below shall immediately be null and void and of no further force or effect.

1. Communications Tower Height. The height of the communications tower shall not exceed one hundred fifty-four (154) feet inclusive of a four (4) foot lightning rod. (P)
2. Communications Tower Antenna. Antennas shall be flush mounted. (P)

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

### XII. REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.

**08SN0184:** In Clover Hill Magisterial District **PEGASUS TOWER COMPANY, LTD** requested deferral to March 18, 2008, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 0.3 acre fronting approximately 25 feet on the south line of Reams Road approximately 150 feet west of South Arch Road. Tax ID 750-701-Part of 5112.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that this site was in an existing and increasingly developing residential area; that the proposal did not comply with either the Public Facilities Plan or the Tower Siting Policy; and that while the applicants proposed to erect a structure having the appearance of a pine tree, given the height of the structure in comparison to the surrounding forested area, the structure was out of character with surrounding vegetation and would not be sufficiently masked to minimize its visual impact.

No one was present to represent the request.

Mr. Gulley stated he had spoken to the applicant on two occasions and had advised him that he was not likely to support his request for deferral to the March 18, 2008, meeting. He stated the applicant had conveyed to him that he would not be present at tonight's meeting due to a prior commitment.

There was no opposition to the applicant's request for deferral to the March 18, 2008, Planning Commission public hearing.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission denied the applicant's request for deferral of Case 08SN0184 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

Mr. Gulley opened the discussion for public comment relative to the merits of the request.

An adjacent property owner voiced opposition to the request, stating that the proposed tower would not only be located too close to his property but would generate an adverse visual impact in the community. He also expressed concerns relative to access to Reams Road; the height of the tower exceeding the height of the existing tree line and asked that the residential nature of the area be retained.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Gulley noted the proposal did not conform to the Public Facilities Plan or the Tower Siting Policy and expressed concern that the use would not only be detrimental to existing, but could also potentially impact future, area residential development.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 08SN0184.

AYES: Messrs. Gulley, Bass, Hassen and Brown.

ABSENT: Mr. Waller.

### **XIII. CODE AMENDMENT.**

#### **PROPOSED CODE AMENDMENT RELATED TO UNMANNED MOTOR VEHICLE FUELING FACILITIES IN THE I-1 ZONING DISTRICT.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-181 and 19-301 of the Zoning Ordinance, related to unmanned motor vehicle fueling facilities in the I-1 zoning district. The proposed amendment would define and allow unmanned motor vehicle fueling facilities as a use permitted by right with restrictions in the I-1 zoning district.



Mr. Schlaudt presented an overview of, and staff's recommendation relative to, the proposed Code Amendment related to unmanned motor vehicle fueling facilities in the I-1 zoning district.

No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-181 and 19-301 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

**Sec. 19-181. Uses permitted with certain restrictions.**

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (b) Uses permitted by right with restrictions in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services, ~~and~~ office supply stores, and unmanned self-service motor vehicle fueling facilities, provided that:
- (1) Such uses shall only be permitted in projects of 25 acres or more;
  - (2) At no time shall such uses exceed 30 percent of the gross floor area under construction or occupied by permitted uses in such projects;
  - (3) Such uses are located internally to the project, not along any road on the periphery of the project; and
  - (4) Shall be primarily for the convenience of the employees of the industrial uses.

o o o

**Sec. 19-301. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

o o o

Unmanned self-service motor vehicle fueling facility: Any establishment having pumps and storage tanks at which fuels and oils for motor vehicles are dispensed or sold at retail, where: 1) dispensing is performed by the customer; 2) there is no on-site attendant; and 3) vehicle repair services are not offered.

(2) That this ordinance become effective immediately upon adoption. (1923:77575.1)

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

**XIV. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

There were no citizen comments on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use.

**XV. ADJOURNMENT.**



There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Mr. Gulley, that the meeting adjourned at 9:00 p. m. to March 18, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Hassen and Brown.  
ABSENT: Mr. Waller.

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Chairman/Date

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Secretary/Date